

United States District Court
Eastern District of Michigan

United States of America

v.

Curtis Harper

Defendant

ORDER OF DETENTION PENDING TRIAL

Case Number: 00-81012

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I – Findings of Fact

(1) I find that:

- “ there is probable cause to believe that the defendant has committed an offense
- “ for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841 or _____;
- “ under 18 U.S.C. § 924(c).

(2) I further find that the defendant has not rebutted the presumption established by finding that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternative Findings

T I find that the government has established by a preponderance of the evidence that there is a serious risk that the defendant will not appear.

T I find that the government has established by clear and convincing evidence that there is a serious risk that the defendant will endanger the safety of another person or the community.

Part II – Written Statement of Reasons for Detention

I find that the credible testimony and information submitted at the hearing establishes by **T** clear and convincing evidence and **T** a preponderance of the evidence that.

The petition cites eight violations of conditions of supervised release. Defendant has failed to report since 3/2/05, has failed to participate in and successfully complete ordered alcohol treatment programs, has failed to refrain from the abuse of alcohol, has been terminated from his employment on 9/9/04 and has since failed to provide proof of subsequent employment. His family has not been sufficiently supportive and he has had a Personal Protective Order filed against him on 5/4/05 by his ex-girlfriend. He demonstrates a consistent inability to comply with the terms of his supervised release and his appearance cannot be assured. The assault against his ex-girlfriend demonstrates he can be dangerous, even while under supervision.

Part III – Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

July 6, 2005

Date

s/Mona K. Majzoub

Signature of Judge

Mona K. Majzoub, United States Magistrate Judge

Name and Title of Judge